

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STATE OF NEW MEXICO, <i>ex rel.</i>)	
STATE ENGINEER, <i>et al.</i>,	)	69cv07896 BB
	)	Rio Pueblo de Taos
Plaintiffs,	)	Adjudication
)	
v.	)	69cv7939 BB
	)	Rio Hondo Adjudication
EDUARDO ABEYTA, <i>et al.</i>,	)	(Consolidated)
and CELSO ARELLANO, <i>et al.</i>,)	
	)	Rio Pueblo de Taos Section
Defendants.	)	Upper Manuel Andres Trujillo Ditch
	)	Subfile Nos. 7.28 & 7.34
	)	RG-60704

ORDER GRANTING MOTION TO CORRECT SUBFILE ORDER

The Court, having considered the October 28, 2009, Motion to Correct Subfile Order (Doc. No. 5391), filed by the State of New Mexico *ex rel.* State Engineer (“State”), and being otherwise fully advised in the premises, finds that the State’s Motion is well taken and that it should be GRANTED:

IT IS THEREFORE ORDERED,

1. Order No. 297 entered on November 9, 1971, in Subfile Nos. 7.28 and 7.34, Rio Pueblo de Taos Section, is hereby corrected to state the complete and accurate location of Well No. RG-60704, the supplemental groundwater point of diversion for the adjudicated irrigation water right; and to clarify that the 1829 priority date adopted by the Court for surface water rights on the Upper Manuel Andres Trujillo Ditch, which supersedes the 1849 priority date adjudicated to the water right in Order No. 297, also applies to supplemental groundwater

diversion from Well No. RG-60704. Accordingly, reference to “Underground waters” in paragraph 5 of Order No. 297 is corrected to state the following:

Underground waters:

State Engineer File No.: RG-60704

Priority: 1829

Point of Diversion: Well No. RG-60704 is located at x=690,160 and y=1,989,545, New Mexico State Plane Coordinate System, Central Zone, NAD 1927.

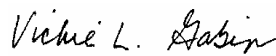
Location & Amount of Acreage: 15.8 acres within the 37.9 acres described under paragraph I.A., as shown on State Engineer hydrographic survey map sheet No. 7, tracts 28 and 34.

2. Except as provided in this Order, all other elements of the water right remain as stated in Order No. 297 and subsequent orders of the Court.



BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Recommended for approval:



VICKIE L. GABIN
SPECIAL MASTER